

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE: Application of Christopher Joseph AQUINO et al.

Serial No.: To be assigned

Art Unit: To be assigned

Filing Date: Concurrently herewith

Examiner: To be assigned

For: *Heterocyclic Compounds as CCR5 Antagonists*

Mail Stop: PCT (DO/EO/US)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Applicants request that the references identified on Form PTO-1449 appended hereto be considered by the Examiner and officially made of record in accordance with the provisions of 37 CFR 1.97

- ☒ A copy of the reference listed on the attached form PTO-1449 as item no. 12 is enclosed
☐ Copies of the references were submitted in parent application Serial No. _____. (37 CFR 1.98(d))
☒ A copy of the International Search Report which issued on International Application No. PCT/US2003/039740 is submitted herewith. All of the publications cited in the International Search Report are listed on the attached form PTO-1449 as item nos. 1-11 and Applicants understand that copies have been supplied to the U.S. Patent Office by the International Bureau.

- A. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the above application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 CFR 1.97(b).

OR

- ☐ The Information Disclosure Statement submitted herewith is being filed before the mailing of a first office action after the filing of a Request For Continued Examination under 37 C.F.R. 1.114 (37 C.F.R. 1.97(b)(4)).

- B. ☐ The Information Disclosure Statement transmitted herewith is being filed after three months of the filing date of the above application or the date of entry into the national stage as set forth in § 1.491 of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last, but before the mailing date of either:
- (1) a final action under § 1.113 or
 - (2) a notice of allowance under § 1.311,
- whichever occurs first.

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.

- ☐ Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under § 1.97(c) (\$180.00).

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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to "Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date shown above.


Patty Wilson

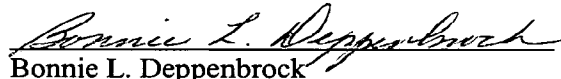
- C. ☐ The Information Disclosure Statement transmitted herewith is being filed **after** a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before the payment of the issue fee. Also enclosed is a copy of the International Search Report which Issued on International Publication No.

In accordance with the requirements of 37 CFR 1.97(d):

- ☐ Applicant hereby certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. **[or]**
- ☐ Applicant hereby certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this statement; and
- ☐ The petition fee set forth in § 1.17(i)(1) (\$180.00) is submitted herewith.

- ☒ Please charge any required fees to Deposit Account No.07-1392.
- ☐ A duplicate copy of this paper is attached.

Respectfully Submitted,


Bonnie L. Deppenbrock
Attorney of Record
Registration No. 28,209

Date: 9 June 2005
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| FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT | SERIAL NO. | To be assigned |
| | FILING DATE | Concurrently herewith |
| | APPLICANT | Christopher Joseph AQUINO et al. |
| | GROUP | To be assigned |
| | EXAMINER | To be assigned |
| ATTORNEY DOCKET NO. | | PU5004USw |

U.S. PATENT DOCUMENTS

| Examiner Initials | Patent Number | Issue Date | Name | Class | Subclass | Filing Date If Appropriate |
|-------------------|---------------|------------|------|-------|----------|----------------------------|
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FOREIGN PATENT DOCUMENTS

| Document Number | Publication Date | Country | Class | Subclass | Translation Yes No |
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| 1. JP 01031570 | 02/01/1989 | JP | | | |
| 2. WO 96/23787 | 08/08/1996 | PCT | | | |
| 3. WO 00/58292 | 10/05/2000 | PCT | | | |
| 4. WO 02/05819 | 01/24/2002 | PCT | | | |
| 5. WO 02/079194 | 10/10/2002 | PCT | | | |
| 6. WO 02/081449 | 10/17/2002 | PCT | | | |
| 7. WO 02/094821 | 11/28/2002 | PCT | | | |
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OTHER DOCUMENTS (Including Author, Title, Journal-Date, Page Number, Etc.)

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| 8. | Ali et al., <i>Bioorg. Med. Chem. Lett.</i> 11:819-822 (2001). |
| 9. | Edmonds-Alt et al., <i>The Journal of Pharmacology and Experimental Therapeutics</i> 303(3):1171-1179 (2002). |
| 10. | Nishi et al., <i>Bioorg. Med. Chem. Lett.</i> 10:1665-1668 (2000). |
| 11. | Palani et al., "Discovery of 4-(Z)-(4-Bromophenyl)-(ethoxymino)methyl 1-(2,4-dimethyl-3-pyridinyl)carbonyl-4'-methyl-1,4'-bipiperidine N-Oxide (SCH351125): An orally bioavailable human CCR5 antagonist for the treatment of HIV infection," <i>Journal of Medicinal Chemistry</i> 44(21):3339-3342 (Oct. 2001). |
| 12. | Tyle, "Iontophoretic devices for drug delivery," <i>Pharmaceutical Research</i> 3(6):318-326 (1986). |
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| EXAMINER /Kristin Bianchi/ | DATE CONSIDERED 07/11/2008 |
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.